

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA

2007 APR 10 P 12:38

ALONZO AUSTIN, Executor for  
RUTH H. LEWIS, Estate  
Plaintiff(s)

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

VS.

CIVIL ACTION NO.

MODERN WOODMEN OF AMERICA, 3:07-CV-138-MHT-WC

et.al,

Defendant(s)

Motion for Summary Judgment by Plaintiff(s) in  
response to Motion to Dismiss by Defendant(s)

Plaintiff(s) pursuant to RULE 56 of the federal Rules of Civil Procedure, Moves the Court to enter Summary Judgment for the Plaintiff(s), on the grounds that there is no genuine issue as to any material fact, and the Plaintiff(s), is entitled to judgement as a matter of Law.

IN Support of this Motion, Plaintiff(s), refers to the record in this action, including the Complaint, the Answer to it and Plaintiff(s) Attached Affidavit and exhibit's "A" & "B" *alonzo austin, pro se* by *alonzo austin, pro se*

ALONZO AUSTIN  
1321 Oliver-Carlis Rd.  
Tuskegee, AL. 36083  
Ph# (334) 727-5476

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VS. } CIVIL ACTION NO.  
MODERN WOODMEN OF AMERICA } 3:07-cv-138-MHT-WC  
et.al, }  
Defendant(s)

Affidavit in Support of Motion for Summary Judgment.

STATE OF ALABAMA } ss.  
COUNTY OF MACON }

ALONZO AUSTIN, who, being first duly Sworn  
deposes and says:

1. I am ALONZO AUSTIN, and have personal  
knowledge of the facts set forth.

This affidavit is submitted in support of the Plaintiff(s)  
Motion for Summary Judgment, for the purpose of showing  
that there is in this action no genuine issue as to  
any material fact, and that the Plaintiff(s) is entitled  
to judgment as a matter of law. As issue is  
constitutional in nature.

1 OF 2

2. Plaintiff(s) first encounter with THE Defendant, MASON MANOR, Assisted Living facility, on April 30, 1992, after following ~~Jeanita K.~~ upshaw, without her knowing and Plaintiff(s) saw Ms. Upshaw go on the Facility, and Plaintiff(s), later saw Ms. Upshaw leave, a short time later on same day Plaintiff(s), entered and found Principal RUTH H. LEWIS, with Head Bowed and very dejected and awfully depressed. Once she recognized I had come for her she ~~initially~~ kept calling my name ALONZO, ALONZO!! thank you JESUS ~~WY~~ and so forth Plaintiff(s), in an effort not to be redundant (incorporate by reference the Testimony Given in affidavit, supporting Motion for Summary Judgment in response to Defendant(s), Montgomery CITY POLICE, Motion to DISMISS.)

3. Plaintiff(s), (incorporate by reference Testimony via affidavit, Given to support Motion for Summary Judgment in response to, ALABAMA STATE BOARD OF LICENSING, Motion to DISMISS.)

4. Plaintiff Sent a letter to owner CRIS MASON, See exhibit "A" and CRIS MASON, then sent a response letter to Plaintiff(s), See exhibit "B" IN Conclusion, MASON MANOR, Assisted Living, Joined A Long List of STATE ACTORS and CIVILIANS

2 OF 2

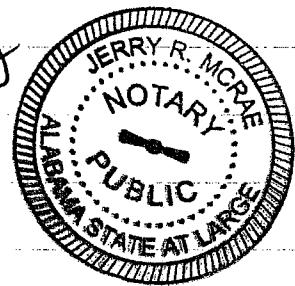
in depriving Plaintiff(s), of their Constitutional Federally Guaranteed protected Civil Rights, When on June 10, 1994, Defendant, Mason MANOR, Assisted Living Facility, with the assistance from the Montgomery CITY POLICE, Prevented Plaintiff(s) From Removing MS. LEWIS, THE PRINCIPAL, in THE LAW OF AGENCY, and in the alternative Kept MS. RUTH A. LEWIS, against her WILL!! With out any regard for her Constitutional Rights, While acting under the COLOR OF STATE LAW!! in Violation of 42 U.S.C. § 1983!!!

by, Alonzo Austin, pro se

Alonzo Austin pro se

Jerry R. McRae, Notary

Com. Expires 8-28-09



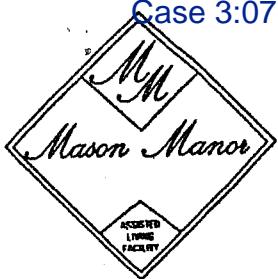
by, Alonzo Austin, pro se

Alonzo Austin

1321 Oliver-Carlis Rd.

Tuskegee, Al. 36083

Ph# (334) 727-5476



# Mason Manor

Assisted Living Facility for the Senior Citizen

Exhibit 5

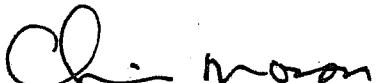
June 15, 1994

Mr. Alonzo Austin  
1321 Oliver-Carlis Road  
Tuskegee, Alabama 36083

Dear Sir:

In response to your letter dated June 12, 1994, Ruth H. Lewis was entered into Mason Manor by Mrs. Upshaw, her aunt. She is not being kept against her will and I told you and Mrs. Upshaw that Mrs. Lewis would have to be moved from Mason Manor by June 30, 1994. Mason Manor does not and will not be involved in a family matter.

Sincerely,

  
Chris Mason  
MASON MANOR

CM/jm

EXHIBIT B

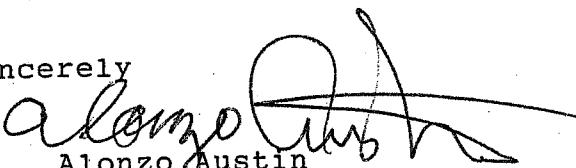
Alonzo Austin  
 1321 Oliver-Carlis Rd.  
 Tuskegee, AL. 36083  
 6/12/94

Mr. Cris Mason  
 4120 Carmicheal Rd.  
 Montgomery, AL. 36106

Dear Sir:

My name is Alonzo Austin. I am Ruth H. Lewis's agent, her attorney in- fact. For confirmation please see document en-titled Durable General Power of Attorney and identified as Exhibit A. I demand of you that Ruth H. Lewis be released to me Alonzo Austin, her agent and Attorney in fact immediat-ely pursuant to code of Al. 1975 § 26-1-2 sub paragraph A, B,. Call Lawyer Bulls at 727-1079 if you have any legal questions regarding Mrs. Lewis's competency. Mrs. Lewis is housed in one of your Asissted Living Facility namely Mason Manor addressed at 5888 Cherry Hill Road and being held against her will for reasons that have not been substantiated at this time. Mr. Mason , I expect your full coorperation for I am sending a copy of this letter to the Attorney Generals office care of Attorney Spence Singleton. Please be adcised that I am asking for a full investigaton by the office of the district attorney in Macon County. A prompt reply is expected from you.

Sincerely

  
 Alonzo Austin

Asissted  
Living Facility

Asissted  
Living Facility

Living Facility

P.S. This is ms. Ruth H. Lewis, my clients  
 last know address 5888 Cherry Hill Rd.  
 MASON manor

The Montgomery Police <sup>disrespected</sup> Ph. # 288-2288  
 I Left <sup>disrespected</sup> spoke with her on 6/10/94 at the above  
 facility - when I was forced to leave h. .

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a copy of the foregoing Document upon,

Gidere, Hinton, Herndon & Christman  
Attorneys At Law  
60 Commerce Street, Suite 904  
Montgomery AL 36104

by depositing same in the U.S. mail postage Prepaid on the 9<sup>th</sup> day of April, 2007

Alonzo Austin, pro se  
Alonzo Austin, pro se  
by Alonzo Austin, pro se  
ALONZO AUSTIN  
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